

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

CATRINA BATEMAN

v.

ANTONIO YOUNG, JR., and P.A.M.
TRANSPORTATION SERVICES, INC.

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§

C. A. No. _____

JURY DEMANDED

DEFENDANTS' NOTICE OF REMOVAL

A. INTRODUCTION

1. Plaintiff is Catrina Bateman; defendants are P.A.M. Transportation Services, Inc. and Antonio Young.

2. On September 8, 2015, plaintiff sued defendants, P.A.M. Transportation Services, Inc. and Antonio Young, for negligence in Cause No. 2015-52926 in the 113th Judicial District Court of Harris County, Texas, seeking monetary relief in excess of \$1,000,000.00 [Ex. A-1, ¶ 1]. This action arises out of a motor vehicle collision that occurred on or about January 17, 2014 in Harris County, Texas, between a truck being driven by Antonio Young and a pickup truck being driven by the plaintiff, Catrina Bateman.

3. Defendant P.A.M. Transportation Services, Inc. was served by certified mail through the Texas Transportation Commission on September 23, 2015.

4. Defendant Antonio Young was served by certified mail through the Texas Transportation Commission on September 23, 2015.

5. Defendants P.A.M. Transportation Services, Inc. and Antonio Young file this notice of removal within the 30-day time period required by 28 U.S.C. § 1446(b). *Board of Regents of Univ. of Tex. Sys. v. Nippon Tel. & Tel. Corp.*, 478 F.3d 274, 278 (5th Cir. 2007).

B. BASIS FOR REMOVAL

6. **Complete Diversity of Citizenship.** Removal is proper because complete diversity exists between the parties, 28 U.S.C. § 1332(a); *Johnson v. Columbia Props. Anchorage, L.P.*, 437 F.3d 894, 899-900 (9th Cir. 2006). The plaintiff is a citizen of Texas and resides in Harris County, Texas. Defendant P.A.M. Transportation Services, Inc. is incorporated in Arkansas with its principal place of business in Tontitown, Arkansas, and is therefore a citizen of Arkansas, 28 U.S.C. § 1332(c)(1). Defendant Antonio Young is a citizen of Indiana and resides in the city of Michigan City, Indiana.

7. **Amount in Controversy.** In her Original Petition, the plaintiff demands monetary relief in excess of \$1,000,000.00. [Ex. A-1, ¶ 1]. This amount therefore is deemed to be the amount in controversy, 28 U.S.C. § 1446(c)(2), which exceeds the \$75,000.00 amount that is required, excluding interest and costs, for diversity jurisdiction pursuant to 28 U.S.C. § 1332(a); *Andrews v. E.I. Du Pont De Nemours & Co.*, 447 F.3d 510, 514-515 (7th Cir. 2006).

7. No other defendants have been named or served with plaintiff's petition and both defendants consent to this removal.

8. Copies of all process, pleadings, orders, and other filings in the state-court suit, except for discovery requests, are attached as Exhibit A to this notice as required by 28 U.S.C. § 1446(a) and Local Rule 81.

9. Venue is proper in this district under 28 U.S.C. § 1441(a) because the state court in which the suit has been pending is located in this district and division, 28 U.S.C. § 124(b)(2).

10. Defendant will promptly file a copy of this notice of removal with the clerk of the state court where the suit has been pending.

C. JURY DEMAND

11. Defendant demands a jury trial in this court.

D. CONCLUSION

12. For these reasons, Defendants P.A.M. Transportation Services, Inc. and Antonio Young ask the court to remove the suit to the United States District Court for the Southern District of Texas, Houston Division.

Respectfully submitted,

ELLINGTON & ASSOCIATES

s/ Owen H. Ellington

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ATTORNEY-IN-CHARGE FOR

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing instrument was sent to the following counsel of record by first-class mail on this the 23rd day of October, 2015:

Benjamin Barmore
Rad Law Firm, PC
2777 Allen Parkway, Suite 1000
Houston, TX 77019

s/ Owen H. Ellington
Owen H. Ellington